



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Johnny Lawton,
Records Manager (PC2187V),
Essex County

CSC Docket No. 2018-3177

Examination Appeal

ISSUED: July 23, 2018 (RE)

Johnny Lawton appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the experience requirements, per the substitution clause for education, for the promotional examination for Records Manager (PC2187V), Essex County.

The subject examination announcement was issued with a closing date of September 21, 2017, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and five years of experience in the planning and development of records management programs and procedures and/or the review, analysis and evaluation of record maintenance systems and recommendation for improved methods of operation. Applicants who did not meet the education requirement could substitute additional experience on a year for year basis with 30 semester hour credits being equal to one year of experience. The appellant was found to be below minimum requirements in experience per the substitution clause for education. As there were no admitted candidates, the examination was cancelled on February 24, 2018.

On his application, the appellant indicated that he possessed 32 college credits, which prorates to one year, one month of experience. As such, per the substitution clause for education, he was required to possess seven years, eleven months of qualifying experience. The appellant listed four positions on his application and resume, provisional Records Manager, Service Dispatcher,

Production Operator, and “Market Research Interviewer and Receptionist.” Official records indicate a different employment history. These records indicate that for the period of time that he indicated he was a Records Manager, from May 1998 to the September 5, 2017 closing date, he held the following titles: Records Manager from March 2016 to September 2017; Records Support Technician 4 from April 2011 to March 2016; and Principal Microfilm Machine Operator from May 1998 to April 2011. None of his experience was accepted and he was found to be lacking seven years, 11 months of qualifying experience.

On appeal, the appellant provides a more accurate description of his employment history, and states that he has been working for the Essex County Surrogate’s Court for 20 years, and has reorganized the filing system within the Surrogate’s Court. He states that he is responsible for a million records, the management of storage and retention of all records back to the 1700s, and the ordering and maintenance of all related equipment. He states that he has received training, and that although he has not met the educational requirements, he has the experience necessary to perform the duties of this position which he has been maintaining since May 1998.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-1.5(a)2 states that the appointing authority certifies that a provisional appointee meets the minimum qualifications for the title at the time of appointment.

At the outset, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor’s or higher-level degree, with or without a clause to substitute experience. Thus, since the Records Manager title requires completion of a Bachelor’s degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as five years of relevant experience, it is considered a professional title. Further, professional work is basically interpretive, evaluative, analytical and/or creative requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research. See *In the Matter of Lewis Gordon* (Commissioner of Personnel, decided September 27, 1997) (Youth Worker title series not considered to be at a level and scope consistent with professional experience). Also, this is considered to be a title at the managerial level.

Conversely, *N.J.A.C.* 4A:4-2.5(a)2 states that para-professional titles require at least 60 general college credits or 12 or more specific college credits, with or without a clause to substitute experience. Also, *N.J.A.C.* 4A:4-2.5(a)3 states that non-professional titles require less than 60 general college credits or less than 12

specific college credits. Records Support Technician 4, and Principal Microfilm Machine Operator are non-professional titles, which require no college credits.

When a promotion is between the above noted categories, *N.J.A.C.* 4A:4-2.5(c)2 permits the examination to be open to applicants who are permanent in an approved bridge title(s) and/or applicants who meet the complete open competitive requirements. A bridge title is one that is recognized by the Civil Service Commission as related to a higher category title in terms of work performed and knowledge, skills, and abilities required. In the present matter, there is no bridge title to the subject title. Thus, the appellant is required to meet the open competitive requirements.

A review of the appellant's application reveals that he does not meet the announced requirements. When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. The experience description for the subject examination requires managerial level experience in the planning and development of records management programs and procedures and/or the review, analysis and evaluation of record maintenance systems and recommendation for improved methods of operation. Experience gained as a Records Support Technician 4, and Principal Microfilm Machine Operator, is not at the level and scope required, nor does it match the required experience.

Further, based on his application, the duties involved for his Records Manager position were not managerial in nature. He was not planning, developing and administering policies and programs; developing and implementing policies and procedures; performing any supervisory duties; establishing the time, manner and form that records are to be sent to the storage center; or coordinating and directing activities involved with records management analysis, reports analysis, and supporting services. Next, the requirements of *N.J.S.A.* 11A:4-13(b) allow for an appointing authority to certify that an appointee meets the minimum qualifications for the title at the time of appointment, but the fact that the appointing authority erroneously determined that a provisional appointee satisfies the minimum qualifications for the title prior to an actual eligibility determination by this agency, does not automatically establish a presumption of eligibility when the examination is announced. See *In the Matter of Cynthia Bucchi, Maria D'Angelo, Rosalind R. James, Carla M. Lewis, and Rhonda McLaren, Management Assistant (PS5831F), Department of Education*, Docket No. A-1266-04T2 (App. Div. February 27, 2006). As the appellant did not indicate that he is primarily performing work required of a Records Manager, it appears that his position may be misclassified. Therefore, the appellant and appointing authority should provide a duties questionnaire to Agency Services detailing the duties of the position, along with a completed examination application within 30 days of the issuance of this decision, so that an appropriate

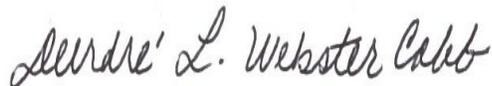
provisional title can be assigned and a pre-qualification determination can be made. Should the appellant be found not eligible for the new provisional appointment, he should be returned to his regular prior-held title at that time. Otherwise, since the appellant does not meet the minimum qualifications for the title, contrary to *N.J.A.C. 4A:4-1.5(a)2*, he should be returned to his regular prior-held title immediately upon receipt of this decision.

ORDER

Therefore, it is ordered that this appeal be denied, and the appellant's position undergo a classification review.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF JULY, 2018



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